

**Before the  
Federal Communications Commission  
Washington, DC 20554**

|  |   |                             |
|--|---|-----------------------------|
| In the Matter of                             | ) |                             |
|  | ) |                             |
| Section 68.4 of the Commission's Rules       | ) |                             |
| Governing Hearing Aid Compatible             | ) | <b>WT Docket No. 01-309</b> |
|  | ) |                             |
| Cingular Wireless LLC Petition for Waiver of | ) |                             |
| Section 20.19 (c) (3)(i) of the Commission's | ) |                             |
| Rules  | ) |                             |

**COMMENTS OF SELF HELP FOR HARD OF HEARING PEOPLE (SHHH)**  
(Electronic Submission)

SHHH<sup>1</sup> submits these comments in response to the Petition filed by Cingular Wireless LLC on August 5, 2005 seeking a waiver of Section 20.19 (c)(3)(i)(A) of the Commission's rules. Their request was based on the fact that GSM handsets meeting a U3 rating at both the 1.9 GHz and 850 MHz bands under the current standard will not be commercially available in time to meet the September 16, 2005 deadline. This is because significant technical issues with respect to GSM 850 MHz came to light way too late in the Incubator process. This revelation was a major set-back for consumer access to dual band phones and created a dilemma for Cingular Wireless.

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<sup>1</sup> Self Help for Hard of Hearing People, SHHH, is the nation's foremost consumer organization representing people with hearing loss. SHHH's national support network includes an office in the Washington D.C. area, 13 state organizations, and 250 local chapters. The SHHH mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support. SHHH provides cutting edge information to consumers, professionals and family members through their website, [www.hearingloss.org](http://www.hearingloss.org), their award -winning publication, *Hearing Loss, their Enews, message boards*., and hearing accessible national and regional conventions. SHHH impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss on a national and global level.

SHHH agrees that Cingular Wireless continues to play a leadership role in achieving accessibility of wireless devices and that the company's accessibility efforts are comprehensive. The decision before the Commission now is whether to give them more time to comply with the hearing aid compatibility requirements.

Given this unfortunate turn of events that delays even more consumers' access to mobile phones, SHHH would only support a waiver that is narrowly focused on 850MHz and that is for a restricted period of time. We agree with Cingular's offer to provide progress reports every six months. We do not support any handset being exempted from the rule.

The ATIS Incubator WG-9 is already underway with efforts to solve the problem and an outside limit of one year for the waiver should be sufficient to see results. We agree with the comments submitted by the Hearing Industries Association (HIA) that a fixed term waiver will place all affected parties (manufacturers, service providers, ATIS and ANSI) on notice of the Commission's insistence that any changes that turn out to be necessary in the C63.19 standard be adopted promptly.

We do have concerns that this set-back comes up against the next year's efforts to comply with the telecoil compatibility regulation that becomes effective September 2006. Roll out of telecoil compatibility must be kept on deadline and therefore 850 MHz and telecoil solutions should be addressed on parallel tracks. This is to avoid the Commission

being faced with requests for waivers a year from now that would delay telecoil roll-out and greatly impact our constituents.

Cingular has made genuine efforts to meet the needs of its customers with hearing aids and cochlear implants by proposing several work-around interim solutions. One example is its proposal to promote the availability of external devices that facilitate hearing aid use. We want to point out that although “hands-free” devices are more prevalent and less associated with social stigma, that using an external device for the sole purpose of accessibility has drawbacks that include missing in-coming calls unless you wear the device all the time, the added cost, the breakage and reliability factor. While volume control of adequate boost is a must, the speaker phone feature has obvious privacy drawbacks. As for offering handsets with a user interface enabling a lower power option, even with Cingular’s requirements intended to lessen the impact on customers – we still see potential drawbacks which are: reverting to full power for 911 means that the individual will likely not be able to hear clearly enough due to the interference in an emergency; difficulty finding the HAC mode in the menu; and the impact on coverage and the number of dropped calls.

SHHH urges the Commission to adhere to the original intent of the law that was designed to ensure that people with hearing loss have access to the phone system and that has already exempted wireless devices too long. It is estimated that there will be 78 million people with hearing loss in the U.S. by the year 2030. Lets make sure that actions taken now move us towards fully established accessibility so that all Americans are able

to use the telecommunications network including those people with hearing aids or cochlear implants.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

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18 August 2005